

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

IN RE: AMERICAN MEDICAL SYSTEMS, INC.,  
PELVIC REPAIR SYSTEM  
PRODUCTS LIABILITY LITIGATION

MDL NO. 2325

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THIS DOCUMENT RELATES TO

*Nora Elia Hernandez v. American Medical Systems, Inc., et al.*  
Civil Action No. 2:13-cv-14528

**ORDER**

(Dismissing Defendant American Medical Systems, Inc. Without Prejudice  
and Transferring Case to MDL 2327)

Pending before the court is a Stipulation of Dismissal Without Prejudice filed by the plaintiff and American Medical Systems, Inc.. (“AMS”). [ECF No. 14]. Also pending is plaintiff’s Motion to Transfer MDLs. [ECF No. 14]. The Motions seek an order (1) granting dismissal of AMS as a defendant in this action without prejudice; and (2) transferring the case to the appropriate remaining MDL.

After careful consideration, it is **ORDERED** that

- (1) the Stipulation of Dismissal Without Prejudice and the plaintiff’s Motion to Transfer MDLs are **GRANTED**;
- (2) Defendant AMS is **DISMISSED WITHOUT PREJUDICE** as a defendant in this action;
- (3) this action is **TRANSFERRED** to MDL 2327;
- (4) pursuant to AMS MDL Pretrial Order # 249 (Docket Control Order – American Medical Systems, Inc. Wave 3 Cases), which states the following,

Transfer of any Wave 3 case to any other MDL, whether by ruling upon a

motion from plaintiff or defendants or *sua sponte* by the court, does not relieve the plaintiff or any remaining defendant(s) from the deadlines of a Docket Control Order. Any cases transferred into C.R. Bard, Inc. ("Bard"), Boston Scientific Corporation ("BSC") or Ethicon, Inc. ("Ethicon") MDLs will immediately be subject to the Docket Control Order entered in that MDL on January 30, 2018, and any Amended Docket Control Orders.

this action is now subject to PTO # 280 entered in MDL 2327; and

(5) to the extent an Amended Short Form complaint has not been filed, plaintiff's counsel is **DIRECTED** to file the appropriate Amended Short Form Complaint within the time stated in the Motion.

The court **DIRECTS** the Clerk as follows:

- (1) disassociate this civil action as a member case in MDL 2325 and re-associate it with MDL 2327;
- (2) file MDL 2327, PTO # 280 in the individual case;
- (3) change the 2325 Wave 3 flag to a MDL 2327 Wave 8 flag; and
- (4) file a copy of this order in 2:12-md-2325 and in the individual case.

ENTER: June 12, 2018



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE